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EXAMINER

JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 06/23/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,427

Applicant(s)

SECER, SEMIH

Examiner

LaShonda T. Jacobs

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on January 26, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-63 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5 and 6.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1, 18-19, 23-25, 27-35, 43-44, 59-60 and 62** are rejected under 35 U.S.C. 102(e) as being anticipated by Kekic et al (hereinafter, “Kekic”, 6,664,978).

As per claim **1**, Kekic discloses a method for implementing a state model for managing a network, said method comprising:

- presenting a user interface on a management system to enable a user to define at least one state model for managing at least one network element based on a determined state of said at least one network element (abstract, col. 5, lines 40-51, col. 6, lines 7-25, col. 15, lines 4-21, col. 19, lines 25-58, col. 24, lines 28-41, col. 36, lines 56-67 and col. 37, lines 1-4);
- presenting a user interface on said management system to enable a user to define at least one poll service that includes at least one of said at least one state model (abstract, col. 5, lines 40-51, col. 19, lines 25-58 and col. 39, lines 9-26); and
- executing said at least one poll service to manage said at least one network element (col. 19, lines 25-58 and col. 77, lines 1-35).

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As per claim **35**, discloses a method for enabling state-based management of a network, wherein network elements are managed based on their state, said method comprising:

- receiving input from a user at a management system to define at least one state model for managing at least one network element based on a determined state of said at least one network element (abstract, col. 5, lines 40-51, col. 6, lines 7-25, col. 15, lines 4-21, col. 19, lines 25-58, col. 24, lines 28-41, col. 36, lines 56-67 and col. 37, lines 1-4);
- receiving input from a user at said management system to define at least one poll service that includes at least one of said at least one state model (abstract, col. 5, lines 40-51, col. 19, lines 25-58 and col. 39, lines 9-26); and
- executing said at least one poll service to manage said at least one network element (col. 19, lines 25-58 and col. 77, lines 1-35).

As per claims **18** and **43**, Kekic discloses wherein said presenting a user interface on a management system to enable a user to define at least one state model, further comprises:

- providing a user interface that allows a user to define a plurality of states within a state model for a network element (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4);
- providing a user interface that allows a user to define at least one transition condition that specifies when a transition from one state to another state is to occur (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4); and
- providing a user interface that allows a user to define at least one transition action to be performed upon the occurrence of a transition (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

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As per claims **19** and **44**, Kekic further discloses:

- correlating various different state models (col. 19, lines 25-58 and col. 40, lines 43-67).

As per claim **23**, Kekic discloses wherein said at least one network element includes a network element selected from the group consisting of:

- ATM, Sonet, router, modem, CMIP EMS, switch OSS, NMS, and web server (col. 1, lines 41-45, col. 13, lines 36-45, col. 14, lines 21-23 and col. 25, lines 40-45).

As per claim **24**, Kekic discloses:

- wherein said user interface is a graphical user interface (abstract, lines 24-35, col. 5, lines 40-51 and col. 14, lines 16-23).

As per claim **25**, Kekic discloses wherein said at least one state model includes:

- software code specifying at least two user-defined states for a network element (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4);
- software code specifying at least one transition from a first of said at least two user defined states to a second of said at least two user-defined states (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4); and
- software code specifying at least one transition action to be performed upon the occurrence of said at least one transition (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

As per claim **27**, Kekic discloses wherein said transition action includes any one or more selected from the group consisting of:

- enabling a particular poll service for said at least one network element, disabling a particular poll service for said at least one network element, enabling a particular state

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model for said at least one network element, disabling a particular state model for said at least one network element, and triggering one or more user-defined commands to be executed (col. 19, lines 25-58, col. 35, lines 50-62 and col. 76, lines 50-67).

As per claim **28**, Kekic discloses wherein said executing said at least one poll service further includes:

- triggering execution of said poll service in response to the occurrence of a user defined event (col. 19, lines 25-58 and col. 35, lines 50-62).

As per claim **29**, Kekic discloses:

- wherein said user-defined event includes a particular fault condition defined by a user (col. 19, lines 25-58, col. 35, lines 50-62 and col. 76, lines 50-67).

As per claim **30**, Kekic discloses:

- wherein said at least one poll service is executed only if a user-defined activation condition for said at least one poll service is satisfied (col. 19, lines 25-58 and col. 35, lines 50-62).

As per claim **31**, Kekic discloses:

- wherein said user-defined activation condition specifies that said poll service is for a particular type of network element (col. 26, lines 55-67 and col. 27, lines 1-27).

As per claim **32**, Kekic discloses:

- wherein said management system enables a user to dynamically define said at least one poll service during runtime (col. 6, lines 43-47 and col. 19, lines 25-58).

As per claim **33**, Kekic discloses:

- wherein said management system enables a user to dynamically define said at least one state model during runtime (col. 6, lines 43-47 and col. 19, lines 25-58).

As per claim 34, Kekic discloses:

- wherein said management system enables a user to dynamically modify an existing poll service or state model during runtime (col. 6, lines 43-47 and col. 19, lines 25-58).

As per claim 59, Kekic discloses a method for performing state-based management of a network, wherein network elements are managed based on their state, said method comprising:

- executing at least one user-defined state model for managing at least one network element based on a determined state of said at least one network element, wherein said executing at least one user-defined state model includes polling said at least one network element for data, evaluating said data to determine whether a user-defined state transition condition is satisfied, and triggering a state transition if said user-defined state transition condition is satisfied for a user-defined number of consecutive polls of said at least one network element (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

As per claim 60, Kekic discloses:

- wherein said user-defined number of consecutive polls is a plurality of polls (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

As per claim 62, Kekic discloses:

- wherein if said user-defined state transition condition is satisfied for a user-defined number of consecutive polls of said at least one network element, then one or more

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user-defined transition actions for the user defined state transition are triggered (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **2-17, 20-22, 26, 36-42, 45-58, 61 and 63** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kekic in view of Barrack et al (hereinafter, "Barrack", 6,047,279)

As per claims **2** and **36**, Kekic discloses wherein said steps of presenting a user interface on said management system comprises:

- presenting said user interface on a central management system (abstract, col. 5, lines 40-51, col. 6, lines 7-25, col. 15, lines 4-21, col. 19, lines 25-58, col. 24, lines 28-41, col. 36, lines 56-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- a user interface that is communicatively coupled to at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- a user interface that is communicatively coupled to at least one distributed polling gateway (col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to provide interface between the management system (user interface) and the devices being managed in order to communicate information about the devices being managed in a timely and efficient manner.

As per claims 3 and 37, Kekic discloses:

- distributing said at least one poll service defined by said user (abstract, col. 5, lines 40-51, col. 19, lines 25-58 and col. 39, lines 9-26).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway for execution thereon.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway for execution thereon (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim 4, Kekic discloses:

- distributing said at least one poll service defined by said user (abstract, col. 5, lines 40-51, col. 19, lines 25-58 and col. 39, lines 9-26).

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However, Kekic does not explicitly disclose:

- a plurality of distributed polling gateways for execution thereon.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- a plurality of distributed polling gateways for execution thereon (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim 5, Kekic discloses the invention substantially as claims discussed above.

However, Kekic does not explicitly disclose wherein said gateways each have the ability to communicate with one or more network elements in a particular one of communication protocols selected from the group consisting of:

- SNMP protocol and CMIP protocol.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- wherein said gateways each have the ability to communicate with one or more network elements in a particular one of communication protocols selected from the group consisting of: SNMP protocol and CMIP protocol.

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Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway with SNMP and/or CIMP protocols to provide interface between the management system (user interface) and the devices being managed in order to communicate information about the devices being managed in a timely and efficient manner.

As per claims 6 and 38, Kekic discloses the invention substantially as claims discussed above.

However, Kekic does not explicitly disclose:

- wherein said at least one distributed polling gateway filters data for said central management system.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- wherein said at least one distributed polling gateway filters data for said central management system (col. 2, lines 55-67).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices in order to filter data according to the analysis rules within the gateway thereby providing information regarding events or state of the device, to improve the system scalability.

As per claim 8, Kekic discloses:

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- executing software to evaluate a user-defined state model condition to determine whether to execute each of said at least one state model (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim 9, Kekic discloses:

- wherein said state model condition specifies that said at least one state model is to be executed only for particular network elements (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

As per claim 10, Kekic discloses:

- retrieving from said at least one network element needed values for values defined for said at least one state model (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

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- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim 11, Kekic discloses:

- executing software to evaluate one or more user-defined equations for said at least one state model utilizing the retrieved variable values (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules

within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim 48, Kekic discloses a system for managing network elements based on their state, said system comprising:

- at least one network element (col. 1, lines 41-45, col. 13, lines 36-45, col. 14, lines 21-23 and col. 25, lines 40-45); and
- at least one state model and managing said at least one network element based on a determined state of said at least one network element (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- one or more distributed gateways for monitoring said at least one network element, said one or more distributed gateways communicatively coupled to a central management system;

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- one or more distributed gateways for monitoring said at least one network element, said one or more distributed gateways communicatively coupled to a central management system (col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to provide interface between the management system (user interface) and the

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devices being managed in order to communicate information about the devices being managed in a timely and efficient manner.

As per claims **7**, **39** and **52**, Kekic discloses:

- communicating data satisfying said at least one state model to said central management system (col. 19, lines 25-58 and col. 35, lines 50-62).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claims **12**, **40** and **53**, Kekic discloses:

- executing software to evaluate one or more user-defined state transition conditions for said at least one state model to determine whether said one or more user-defined state transition conditions are satisfied (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim 13, Kekic discloses:

- determining that said one or more user-defined state transition conditions are not satisfied, then the state of said at least one network element remains unchanged (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

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As per claims **14**, **41** and **54**, Kekic discloses:

- determining that said one or more user-defined state transition conditions are satisfied, then a state transition for said at least one network element is triggered (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim **16**, Kekic discloses:

- determining that said one or more user-defined state transition conditions are satisfied in a user-defined number of consecutive polls of said at least one network element, then a state transition for said at least one network element is triggered (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

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In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claims **15**, **17**, **42** and **55**, Kekic discloses:

- wherein one or more user-defined transition actions for said state transition are triggered in response to said state transition (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

As per claims **20** and **45**, Kekic discloses the invention substantially as claims discussed above.

However, Kekic does not explicitly disclose:

- wherein software code executes on at least one distributed polling gateway communicatively coupled to a central management system to perform said correlating.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- wherein software code executes on at least one distributed polling gateway communicatively coupled to a central management system to perform said correlating (col. 2, lines 55-67 and col. 3, lines 1-42).

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Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claims 21 and 46, Kekic discloses:

- wherein said software code triggers an action upon a user-defined pattern of states of said various different state models being achieved (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

As per claims 49 and 61, Kekic discloses:

- software executing on said central management system to enable a user to define said at least one state model, wherein once a user defines said at least one state model (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules

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within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim **50**, Kekic discloses:

- at least one user defined poll service that includes one or more of said at least one state model (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim **51**, Kekic discloses:

- software executing on said central management system to enable a user to define said at least one poll service, wherein once a user defines said at least one poll service (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

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In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system scalability.

As per claim 56, Kekic discloses:

- at least one pattern-based state model executing thereon to correlate various different state models (col. 19, lines 25-58 and col. 40, lines 43-67).

However, Kekic does not explicitly disclose:

- at least one distributed polling gateway.

In an analogous art, Barrack discloses a system and method for automatic network management support using artificial intelligence including:

- at least one distributed polling gateway (col. 2, lines 55-67 and col. 3, lines 1-42).

Given the teaching of Barrack, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kekic by incorporating or implementing an intelligent gateway to monitor and poll devices for information according to the analysis rules within the gateway in order to provide information regarding events or state of the device, thereby improving the system capability.

As per claim 57, Kekic discloses:

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- wherein said at least one pattern-based state model specifies a user-defined pattern of states of said various different state models, and wherein said at least one pattern-based state model triggers an action upon said user-defined pattern of states being achieved (col. 19, lines 25-58, col. 36, lines 33-67 and col. 37, lines 1-4).

As per claims **22, 26, 47, 58** and **63**, Kekic discloses wherein said action includes any one or more selected from the group consisting of:

- generating a user alert, clearing a user alert, starting particular services for said at least one network element, stopping particular services for said at least one network element, changing the interval utilized to poll said at least one network element, enabling a particular poll service for said at least one network element, disabling a particular poll service for said at least one network element, enabling a particular state model for said at least one network element, disabling a particular state model for said at least one network element, triggering one or more user-defined commands to be executed, triggering communication of an email message to personnel, triggering a page of personnel, logging achievement of said pattern of states to a file, and performing network element configuration (col. 19, lines 25-58, col. 35, lines 50-62 and col. 76, lines 50-67).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,405,250 to Lin et al

U.S. Pat. No. 6,430,712 to Lewis

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RFC 1155 "Structure and Identification of Management Information for TCP/IP based Internets by M. Rose

RFC 1157 "A Simple Network Management Protocol (SNMP)" by J. Case

RFC 1212 "Concise MIB Definitions" by M. Rose

RFC 1213 "Management Information Base for Network Management of TCP/IP based Internets: MIB II by K. McClogherie

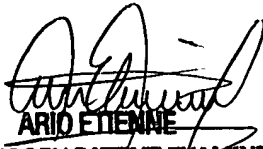
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T. Jacobs
Examiner
Art Unit 2157

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June 10, 2004


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